

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
July 13, 2004**

PLACE: Room 206
Town Hall

TIME: 8:00 P.M.

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:
Damanti, Conze, Kenny, Bigelow, Forman

STAFF ATTENDING: Ginsberg

COURT REPORTER: Bonnie Syat

Mr. Damanti read the first Public Hearing item:

Continuation of Public Hearing regarding Coastal Site Plan Review #194, Flood Damage Prevention Application #6-A, Land Filling & Regrading Application #120, Robert & Debra Lee, 8 North Road. Proposing to raze the existing residence and construct a new residence and associated septic system and perform related site development activities within regulated areas. The subject property is located on the southeast side of North Road, approximately 410 feet north of its intersection with Butler's Island Road, and is shown on Tax Assessor's Map #67 as Lot #74, R-1 Zone.

Attorney Wilder Gleason was present on behalf of the applicant and noted that this is a continuation of the Public Hearing on this matter. He said that the first issue is whether the basement is considered a story. He noted that the plans had been revised and are dated July 13, 2004. They now have the exact amount of finished space in the basement, which is 2096 square feet. The first floor is 4213 square feet. Sheet A-01 shows the basement and the mudroom, and Sheet A-02 of the plans shows the area of the basement.

Architect Robert Cardello then reviewed the floor plans with the Commission. He noted that there are three risers up and three risers down between the mudroom and the kitchen. Sheet A-03 reflects the area over the mudroom and garage. It is 6½ feet up to the area shown on Sheet A-04. Attorney Gleason noted that the definition of story in Section 210 of the Darien Zoning Regulations needs to be considered. Mr. Cardello confirmed that garages are excluded from the finished space calculation. Mr. Damanti observed that Sheets A-02 and A-03 indicate that there is a total of 4213 square feet.

Mr. Gleason explained that there are two tests for a story as outlined in the Darien Zoning Regulations. One is for ceiling elevation. He explained that they received a certification on the average finished grade from William W. Seymour & Associates Surveyors noting that said grade is at Elevation 14.59. The ceiling height in the basement is 5 feet above Elevation 14.59. The house is now in A-6 Elevation 12 Flood Zone. He explained that the habitable space in the basement will not comply with the Darien Zoning Regulations. Mr. Gleason said that FEMA will approve the LOMR (Letter of Map Revision) if it is accurate.

Mr. John Roberge, P.E., then submitted a copy of the CLOMR (Conditional Letter of Map Revision) based on the fill. They are increasing the existing grades to Elevation 12 around the house. They will be filling their way out of the Flood Zone. He then showed the area of fill on the map. The house

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would then be out of the Flood Zone. Mr. Roberge confirmed that he is extremely confident that this application will be approved by FEMA. However he must first verify the as-built conditions with FEMA. The entire process takes approximately two months. Mr. Roberge then mentioned the difference between an LOMA (Letter of Map Amendment) and an LOMR.

Mr. Gleason said that there is a set of FEMA criteria. The Flood Zone which is now mapped is not consistent with the Elevation 12 contour. They would like to not wait for the FEMA approval, and therefore submitted an alternate plan for the basement. Sheet A01.1 removes all the habitable space from the basement and there is a letter from Architect Cardello regarding the venting. Once FEMA approval has been obtained, they will return to the Planning & Zoning Commission administratively in order for approval to finish a portion of the basement. The vents could then be sealed. Mr. Gleason explained that this proposal gives Planning & Zoning Commission a comfort level regarding the residence, and they can expect the Lees to return for an amendment to the plans regarding finished space in the basement. He then summarized by noting that the current application meets all of the requirements for Coastal Area Management, Flood Damage Prevention, and Land Filling and Regrading. He said that EPC approval had recently been received. He then submitted Addendum One from Stearns & Wheler dated July 13, 2004 and showed a photograph of a model of the house.

There being no other questions or comments, Mr. Conze made a motion to close the Public Hearing on this matter. Mr. Bigelow seconded that motion and at 8:30 p.m. the Public Hearing on this matter was unanimously closed by the Commission. Mr. Damanti then read the next agenda item:

Continuation of Public Hearing regarding Special Permit Application #60-F, Country Club of Darien, 300 Mansfield Avenue. Proposing to reconstruct the "halfway house"; construct new staff housing; create a pool pavilion and terrace; renovate and enlarge the clubhouse kitchen; construct maintenance sheds; and perform related site development activities. The subject property is located on the east side of Mansfield Avenue, approximately 1,250 feet south of its intersection with Middlesex Road, and is shown on Tax Assessor's Map #5 as Lot #40, R-2 Zone.

Mr. Damanti noted that the applicant's representative Mr. Pierson shares office space with him and thus he recused himself from this matter and left the room. Mr. Conze then chaired the meeting.

Attorney Stephen Pierson was present on behalf of the applicant. He noted that this is a continuation of the Public Hearing on this matter. Since that Public Hearing, Mr. Pierson has withdrawn two portions of the application: the portions dealing with new staff housing and the maintenance buildings. The maintenance buildings were withdrawn because they had not yet received approval from the Darien Environmental Protection Commission regarding that aspect of the project.

Mr. Pierson noted that at the last meeting, one of the main issues was the stone wall adjacent to Ms. Dwyer's property on Buttonwood Road. Mr. John McClutchy, President of The Country Club of Darien, said that he met recently with Ms. Dwyer. He stated that she is now satisfied and wants the required work completed in the fall.

Mr. Pierson then explained that there are three items associated with this request: the "Half Way House"; the additions/alterations in the pool area; and the kitchen in the clubhouse. Mr. Pierson explained that the kitchen is much needed space and the Club will function much better with a new kitchen. The changes in the pool area are to provide more shade. The smaller existing structure now

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has no roof and is used for awards ceremonies. Under the proposal, it will now have a roof. There will be no change in the intensity of use and no change in the number of members at the Club.

Mr. Pierson explained that the "Half Way House" now exists. It is in serious need of repair or replacement. They are proposing a "Half Way House" which will have the same interior size and will conform with all local codes and regulations. He explained that no cooking will be done at the "Half Way House", only warming of food cooked elsewhere on the premises. All cooking will be done in the main clubhouse. In response to a question, Mr. McClutchy explained that construction is scheduled to start in October 2004. Mr. Ginsberg said that he had recently spoken to Ms. Dwyer regarding the work on her property. He said that according to her, she would not be hesitant to appear at this hearing if she had any continued problems with the Club.

Attorney Wilder Gleason was present on behalf of a number of neighbors and said that he had concerns about the proposed staff housing. He said that there was no traffic study in the file, and noted that the Club is proposing to modify the site plan near his clients' homes. Mr. Ginsberg explained that he has officially waived the traffic study, although no notice of such was in the file. Mr. Gleason continued by stating that the proposal does not comply with Sections 1023 and 1024 of the Darien Zoning Regulations, as there is no full site plan. He said that this application is a piecemeal approach, and suggested that the Public Hearing on this matter be continued to another night.

Mr. Michael Bishko of 364 Mansfield Avenue then read aloud from a four-page prepared statement. He explained that he is not against the overall expansion plans, but is strongly against new enlarged structures. He is opposed to the "Half Way House" expansion, the parking lot expansion and any change in the parking lot lighting. He then gave a history of the Club correspondence with the neighbors. He said that he cannot be sure of the size of the "Half Way House". Mr. Kenny then asked Mr. Bishko if he had any problems or concerns with the changes to the clubhouse kitchen or the pool area. Mr. Bishko responded that he did not. Mr. Kenny then asked about the "Half Way House". Mr. Bishko said that he does have concerns about the "Half Way House", as he has not seen the elevations or floor plans.

Mr. Costa Kensington of 366 Mansfield Avenue then said that he too lives near the proposed construction. He explained that the "Half Way House" is a historical structure and that he too does not object to the changes to the pool area or the clubhouse kitchen renovations. He also has concerns about the light and noise from the "Half Way House". He believes that the only fair thing is to delay consideration of the "Half Way House" portion of the application. Mr. Conze then asked whether the parking lot behind the "Half Way House" is related to the staff housing request. Mr. McClutchy responded that the roadway is changing and being re-routed away from the Keewadin Hilltop houses on Mansfield Avenue. The "Half Way House" is used by golfers, and also used by paddle tennis court users. Therefore the "Half Way House" needs to be located close to the paddle courts. The new "Halfway House" will be moved further away from the houses on Mansfield Avenue. There is no change in the number of parking spaces. Mr. McClutchy noted that the lighting will be slightly increased, as it is now unsafe both for Country Club staff and its members. The "Half Way House" use will remain exactly the same, but be put in a better location on the property.

Mr. Conze mentioned that the Planning & Zoning Commission could act upon both changes in the pool area as well as the clubhouse kitchen renovations. Mr. McClutchy stated that the neighbors have

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mischaracterized the communication between the Club and themselves. Mr. Conze said that the County Club must reach out to its neighbors and suggested that the plans be proposed in a number of phases.

There are five portions to this request: creation of a pool pavilion and terrace; renovation and enlargement of the clubhouse kitchen; construction of the maintenance sheds; reconstruction of the "Half Way House" and construction of new staff housing. Mr. Conze noted that the changes in the pool area and the kitchen renovations are inconsequential relative to the other aspects of the Club's requests. Mr. McClutchy explained that staff housing is currently not code compliant. The existing driveways are unsafe. Any changes to the golf course will not change the need for staff housing. Mr. Conze suggested that the Club reconcile any concerns or needs with the neighbors. He suggested that the "Half Way House" be part of a separate application before the Commission some time in the future. Mr. McClutchy said that he has no problem with that. In response to a question from Mr. Conze, Mr. Pierson replied that he too has no problem with withdrawing the "Half Way House" as part of this request, as he actually is working for Mr. McClutchy on this application. Mr. Kenny then asked if there is a complete set of all the plans so that the neighbors can review those plans in the Club's office. Mr. McClutchy responded that there are plans for the neighbors to review in the Club offices and there have been at least four informational meetings where the neighbors have been invited to hear about the Club's proposals. Mr. McClutchy explained that the neighbors the Grahams have no problems with the proposal to construct new staff housing. Mr. Conze then summarized the discussions this evening by noting that the applicant has withdrawn the portion of the application relating to the changes to the "Half Way House". The Commission will take up only changes to the clubhouse kitchen and the pool area as part of this application. Mr. Pierson concluded his presentation by noting that he would never mislead Mr. Gleason as part of any application and that a miscommunication obviously occurred between the Club and the neighbors regarding tonight's meeting.

Mr. Conze then said that he would accept a motion to close the public hearing on this matter. Ms. Forman then made such a motion. Mr. Kenny seconded that motion, it was unanimously approved, and the public hearing on this matter was then closed. Mr. Conze confirmed that the request regarding the "Half Way House" had been withdrawn as were the requests for construction of the maintenance sheds and new staff housing. The Commission will only be taking up the issues of the pool area and the clubhouse kitchen renovations. Mr. Ginsberg confirmed that any requests in the future for the maintenance sheds, staff housing, and/or the "Half Way House" would need new separate Special Permit applications before the Planning & Zoning Commission. At 9:30 p.m. all the Public Hearing matters were then concluded.

Mr. Damanti then returned to the meeting and opened the first general meeting item, which is for the proposed turf field at the Darien High School.

Mandatory Referral, Land Filling & Regrading Application #53-B, Darien Board of Education, Darien High School, 80 High School Lane. Proposing to install a synthetic turf multi-use athletic field and running track and perform related site development activities. The subject property is located on the north side of High School Lane, approximately 750 feet west of its intersection with Middlesex Road, and is shown on Tax Assessor's Map #9 as Lots #80 & #81, R-2 Zone.

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A motion was made to waive the reading of the draft Resolution and the Mandatory Referral report. That motion was unanimously approved by the Commission. Mr. Damanti suggested a change to paragraph number 5 in the Mandatory Referral report. The Commission then discussed paragraph 3 in that report. On a motion by Mr. Kenny, seconded by Mr. Conze, the Mandatory Referral report was issued with a minor change to paragraph number 5. As revised, the report was approved by a vote of 5 to 0. Mr. Bigelow confirmed that he had listened to the audiotape of the Public Hearing on this matter and familiarized himself with the application. The referral read as follows:

**DARIEN PLANNING AND ZONING COMMISSION
C.G.S. SECTION 8-24 MANDATORY REFERRAL REPORT
DARIEN HIGH SCHOOL TURF FIELD
July 13, 2004**

Mandatory Referral under Section 8-24 of the Connecticut General Statutes, Darien Board of Education, Darien High School, 80 High School Lane. Proposing to install a synthetic turf multi-use athletic field and running track and perform related site development activities. The subject property is located on the north side of High School Lane, approximately 750 feet west of its intersection with Middlesex Road, and is shown on Tax Assessor's Map #9 as Lots #80 & #81, R-2 Zone.

1. On June 16, 2004 the Darien Superintendent of Schools formally submitted a request for a Mandatory Referral report from the Planning and Zoning Commission on the proposal to install a synthetic turf multi-use athletic field and running track and perform related site development activities.
2. This Referral was made under Connecticut General Statutes Section 8-24, which requires that the Commission issue a report within 35 days of the official submittal of the proposal.
3. A public hearing on this matter was held on June 22, 2004 continued to and concluded on July 6, 2004. At that hearing, the project was presented to the Planning & Zoning Commission. It was explained during the hearing that the Director of Athletics has approved the submitted plans, and assured that the plans were properly designed to meet the desired needs.
4. The applicant recently received approval from the Environmental Protection Commission for this project (EPC #52-2004).
5. The Commission, having reviewed the proposal, issues this report noting that this project is fully consistent with the 1995 Town Plan of Development.

On a motion by Mr. Kenny seconded by Mr. Bigelow, the Commission waived the reading of the draft Resolution aloud and noted that it had been received in their packets last week. Mr. Kenny then made a motion to adopt the Resolution regarding Land Filling & Regrading Application #53-B for the turf field as written. That motion was seconded by Ms. Forman and unanimously approved by a vote of 5 to 0. Mr. Bigelow again confirmed that he had listened to the audiotape and familiarized himself with this matter. The Adopted Resolution read as follows:

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**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
July 13, 2004**

Application Number: Land Filling & Regrading Application #53-B

Tax Assessor's Map #9, Lots #80, #81

Name and Address of Property Owner: Town of Darien
2 Renshaw Road
Darien, CT 06820

Name and Address of Applicant: Darien Board of Education
2 Renshaw Road
Darien, CT 06820

Name and Address of Applicant's Representative: Paul Engemann
Director of Facilities and Construction
2 Renshaw Road
Darien, CT 06820

Activity Being Applied for: Proposing to install a synthetic turf multi-use athletic field and running track and perform related site development activities.

Property Location: The subject property is located on the north side of High School Lane, approximately 750 feet west of its intersection with Middlesex Road.

Zone: R-2

Date of Public Hearing: June 22, 2004 continued to July 6, 2004

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: June 10 & 17, 2004

Newspaper: Darien News-Review

Date of Action: July 13, 2004

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
July 22, 2004

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the size, nature, and intensity of the proposed activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is

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contained in the record of the public hearing, all of which material is incorporated by reference.

- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. This application proposes to install a synthetic turf multi-use athletic field and running track and perform related site development activities. A related Mandatory Referral request regarding this project is the subject of a separate report.
2. The Environmental Protection Commission (EPC) granted approval of this project on June 23, 2004 (EPC 52-2004). That approval is hereby incorporated by reference.
3. The plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000 and 1020.
4. The location and size of the activities, the nature and intensity of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.
5. The location and nature of the proposed activities are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or materially impair the value thereof.
6. The elements of the Site Plan as revised accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.
7. The design, location, and specific details of the activities will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
8. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.
9. The Commission is satisfied that proper provision has been made to control: ground stability, including the prevention of soil erosion and earth slides; storm water runoff; pollution, siltation and stream erosion; flying dust and erosion by wind; conservation of the fertility of existing topsoil; and the preservation of significant trees, vegetation and other natural resources.

NOW THEREFORE BE IT RESOLVED that Land Filling Application #53-B is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

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- A. This project shall be in accordance with the following plans:
 - o Darien High School Field and Track, by Tighe & Bond, dated May 2004 and last revised 5/13/04, Sheets C1.00, C2.00, C3.00, C4.00, C4.10, C5.00, L1.0.
 - o Darien High School Synthetic Turf Renovation, by Field Turf International, Inc., Drawings No. A-101, A-102, A-103.
- B. During this project, the applicant shall utilize the sediment and erosion controls as shown on the plans, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. All erosion control measures must be maintained until the disturbed areas are stabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans.
- C. As noted at the public hearing by the applicant, certain noise control measures will be implemented as part of this project. These are outlined in a June 29, 2004 memorandum from Paul Engemann to Patrick Damanti, and are hereby incorporated as conditions of this approval. These relate to hours of site work and monitoring of construction.
- D. The Commission hereby does not restrict the exits and entrances to be used by trucks for this project.
- E. As noted in Section 856 of the Darien Zoning Regulations, no processing, sorting, crushing, mixing, fabrication or other similar activities shall be engaged in or be operated on the site.
- F. Due to the specific nature of the project, the provision of a Performance Bond per Section 857 of the Darien Zoning Regulations is hereby waived.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right to modify, suspend, or revoke the permit as it deems appropriate.
- H. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- I. This permit shall be subject to the provisions of Section 858 of the Darien Zoning Regulations, including but not limited to the start of the regrading and turf installation as shown on the approved plan within one (1) year of this action (July 12, 2005). This may be extended as per Section 858.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action or this approval shall become null and void.

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Mr. Damanti read the next agenda item:

Coastal Site Plan Review #187-A, Flood Damage Prevention Application #205, Land Filling & Regrading Application #107-A, Richard & Robin Woods, 137 Five Mile River Road.

Proposing to construct a stone and masonry retaining wall and place approximately 95 cubic yards of fill behind it and perform related site development activities within regulated areas.

Mr. Conze made a motion to adopt the Resolution as written. That motion was seconded by Mr. Kenny and approved by a vote of 5 to 0. The Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
July 13, 2004**

Application Number: Coastal Site Plan Review #187-A
Flood Damage Prevention Application #205
Land Filling & Regrading Application #107-A

Street Address: 137 Five Mile River Road
Tax Assessor's Map #67 Lot #5

Name and Address of Property Owner: Richard & Robin Woods
And Applicant: 174 Mansfield Avenue
Darien, CT 06820

Name and Address of Jeff McDougal
Applicant's Representative: William W. Seymour & Associates
170 Noroton Avenue
Darien, CT 06820

Activity Being Applied For: Proposing to construct a stone and masonry retaining wall and place approximately 95 cubic feet of fill behind it and perform related site development activities within regulated areas.

Property Location: The subject property is located on the east side of Five Mile River Road, approximately 1150 feet south of its intersection with Davis Lane.

Zone: R-1/2

Date of Public Hearing: April 27, 2004 continued to May 25, 2004 continued to June 22, 2004

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: April 15 & 22, 2004

Newspaper: Darien News-Review

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Date of Action: July 13, 2004

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
July 22, 2004

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 810, 820, and 850 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The request is to construct a stone and masonry retaining wall and place approximately 95 cubic feet of fill behind it and perform related site development activities within regulated areas. The proposed wall will be approximately two feet high, one and one-half feet wide, and 27 feet long. It will be placed adjacent to an existing stone and concrete sea wall, and extend from elevation 7 to approximately elevation 13. The purpose of the wall is to stabilize the steep slope and prevent future erosion of the soil. As part of this application, a separate two-foot high safety wall is being proposed on top of the existing stone wall now located approximately 25 feet to the east of the house.
2. The Environmental Protection Commission approved this project on June 2, 2004 as part of EPC #24-2004. That approval is hereby incorporated by reference.
3. At the public hearing, engineer John Roberge explained that as part of the proposed retaining wall construction, there will be no displacement of sediments. If the wall is not allowed to be installed, continued erosion may impact tidal wetlands on the adjacent property. He said that he has investigated the use of more natural methods of stabilizing the embankment, but none have been, or will be effective. He said that the only effective method will be a masonry retaining wall. As part of this application, they will plant salt-tolerant grasses on top of the proposed wall and in disturbed adjacent soil.
4. The State of Connecticut DEP Office of Long Island Sound Programs sent written comments dated April 27, 2004 and June 16, 2004 regarding this application. Those comments noted that retaining walls are generally inconsistent with existing DEP policy regarding flood and erosion control structures. It is hereby acknowledged that no part of the wall or the fill is within DEP jurisdiction, as it is entirely landward of the high tide line. Although the Planning & Zoning

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Commission fully understands and supports the DEP policy regarding Flood Control Structures, the Commission believes that in this very specific instance, the establishment of a retaining wall is appropriate to prevent further erosion of the soil and destabilization of the existing steep embankment.

5. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #187-A, Flood Damage Prevention Application #205 and Land Filling and Regrading Application #107 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction of the wall and regrading shall be in accordance with the plans entitled:
 - Topographic/Zoning Location Survey #137 Five Mile River Road prepared for Richard Woods, by William W. Seymour & Associates, scale 1"=20', dated April 24, 2003 and last revised February 4, 2004.
 - Stone & Masonry Wall Construction, Woods Residence, by Roberge Associates Coastal Engineers, LLC, dated 2-23-04, Sheet No. D-01.
- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- C. Because of the minor nature of the land filling and regrading portion of this project, a performance bond for the filling and regrading is hereby waived.
- D. A final "as-built" survey is hereby required to certify that the stonewall, regrading, and other site improvements adjacent to the Five Mile River and the coastal recourses and/or within the flood hazard area are all in compliance with the approved plans. In addition, a Professional Engineer shall certify in writing that the work has been properly completed in accordance with the approved plans.
- E. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies.
- F. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.

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- G. This permit shall be subject to the provisions of Sections 815 of the Darien Zoning Regulations, including but not limited to, submission of certification that the work has been completed in conformance with the permit, and implementation and completion of the approved plans for site work, and regrading within one year of this action (by July 12, 2005). This may be extended as per Section 815.

All provisions and details of the plan, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action or this approval shall become null and void.

Mr. Damanti read the following agenda item:

Coastal Site Plan Review #196, Flood Damage Prevention Application #212, Paul & Susan Tierney, 17 Butler's Island Road. Proposing to construct a dock consisting of a fixed pile supported pier, access ramp, and wooden float with pilings and to perform related site development activities within regulated areas. Subject property is located on the east side of Butler's Island Road approximately 265 feet east of its intersection with North Road, and is shown on Tax Assessor's Map #67 as Lot #76, R-1 Zone.

Mr. Damanti noted that many applications in this area of Tokeneke have had neighbor concerns and a few of them had recently been appealed. He therefore suggested, in order to be prudent, that the Commission hold a Public Hearing on this matter. Mr. Ginsberg will notify the applicant and have this application placed on the Commission's July 27, 2004 Public Hearing agenda.

Mr. Damanti read the following agenda item:

Requested Amendment of Business Site Plan #76-H, Exit 13 Car Wash, 251 Boston Post Road, SB-E Zone.

Request to modify previously approved plans regarding the interior and exterior of the car wash building.

Mr. Ginsberg summarized the July 8, 2004 letter from Mr. Mark Curtis of Splash regarding the interior and the exterior of the existing Exit 13 Car Wash building. Mr. Ginsberg noted that the buildings have been constructed slightly different than the actual interior and exterior approved by the Commission. The changes are shown on the Mingoello & Hayes plans submitted with the July 8th letter. The exterior of the construction as well as the interior floor plans on the second floor do not comply with the Commission's approval. Mr. Curtis noted that he is presently under contract to purchase the property. He noted that the changes to the interior floor plan on the second floor include the fact that a shower has been installed, a change to the staircase made and a storage wall was installed as requested by the Fire Marshal. Mr. Bigelow noted that the changes presented to the Commission this evening are not substantive relative to the car wash operations. Mr. Conze agreed, noting that they are relatively deminimus. Mr. Damanti explained that the exterior staircase and the storage wall are issues related to the Fire Marshal and have been required by him. The Commission noted that a letter of authorization from the property owner and/or current car wash operator was not submitted. Mr. Damanti stated that had this been a public hearing, such an authorization would have

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been essential. On a motion by Mr. Conze, seconded by Mr. Damanti, the Commission unanimously approved the requested changes to the interior and exterior of the Exit 13 Car Wash building.

Mr. Damanti read the next agenda item:

Coastal Site Plan Review #194, Flood Damage Prevention Application #6-A, Land Filling & Regrading Application #120, Robert & Debra Lee, 8 North Road. *Proposing to raze the existing residence and construct a new residence and associated septic system and perform related site development activities within regulated areas.*

Mr. Damanti noted that the Public Hearing was closed earlier this evening and he would like more time to think about the application as submitted and suggested not discussing it this evening.

Mr. Damanti read the next agenda item:

Special Permit Application #60-F, Country Club of Darien, 300 Mansfield Avenue.

Mr. Conze confirmed that the Public Hearing on this matter has been closed. He suggested that the kitchen renovation and changes to the pool areas were relatively simple and could be approved. He noted that the requests regarding the "Halfway House" have been withdrawn.

Ms. Forman then had a question regarding the letter of map revision process as it related to the Lee application. Mr. Ginsberg then explained the letter of map revision process and how FEMA reviews those requests.

Any Other Business (requires two-thirds vote of Commission)

Mr. Ginsberg noted he had one item under other business. This is relative to the circle in front of Town Hall. The Commission then moved to go into other business to discuss that one item. Mr. Ginsberg noted that First Selectwoman Evonne Klein had recently approached him regarding the request to install monument(s) in the circle in front of Town Hall and to renovate/replace the existing landscaping. After some discussion, Commission members agreed that a Mandatory Referral Report did not require it under Section 8-24 of the Connecticut General Statutes, as this is not a substantial improvement to the property. The Commission also agreed that no Special Permit is required, as this is an extremely minor change to a very large property.

There being no other business the Commission then adjourned the meeting at 9:50 p.m.

Respectfully submitted,

Jeremy B. Ginsberg
Planning and Zoning Director